

REMARKS

Claims 1-14 and 20, the pending claims of this application, stand rejected under 35 U.S.C. §103(a) as being unpatentable over various combinations and references, all including Mills 5,964,465 and Hernandez 5,418,023. The essence of the rejection is described beginning at line 11, page 3 of the Office Action: "Hernandez discloses that PTFE seals and gaskets are known in the art and that West German 3,339,018 describes a seal made from extruded and oriented microporous PTFE which has a height greater than the width to compensate for the unevenness of the flange surfaces to be sealed."

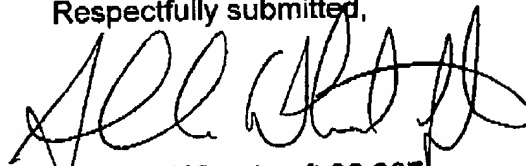
Applicants have amended claim 1 to incorporate the limitations of original claim 2. Specifically, claim 1 now recites that the "laminate has end faces along said laminated height and the end faces are adapted to contact tightened surfaces of a vessel to be sealed." By including this limitation in claim 1, Applicants have specified that the orientation of the gasket in use is such that the end faces of the laminate contact the surfaces to be sealed. This embodiment of the invention is specifically described in the present application with reference to Figure 2 at page 9, line 18 and following. This orientation of the gasket is not disclosed by Hernandez or the West German reference disclosed therein. Rather, the reference to the West German art is the conventional use of a laminated gasket oriented in the planar direction (e.g., as illustrated in Figure 5 of Hernandez).

The Office Action indicates that the phrase "adapted to" in the claim has not be given patentable weight because the phrase is not found to be a positive limitation but only requires the ability to so perform. Applicants respectfully traverse. The use of the phrase "adapted to" was sanctioned by the Court of Customs and Patent Appeals in *In re: Venezia* 189 USPQ 149 (1976). In that case, the Court said that "rather than being a mere direction of activities to take place in the future, this language imparts a structural limitation..." (*Id.* at 151-152.) See also MPEP 2173.05 (g). Accordingly, Applicants submit that the claim should be reconsidered in light of this ruling giving weight to the phrase "adapted to". So interpreted, claim 1 defines a preferred embodiment of the present invention that is neither

taught nor suggested in any of the combination of references asserted in the Official Action.

For the foregoing reasons, the present invention is neither taught nor suggested by any of the references of record. Accordingly, applicant respectfully submits that these claims are now in form for allowance. If further questions remain, applicant requests that the Examiner telephone applicant's undersigned representative before issuing a further Office Action.

Respectfully submitted,



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